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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9
10 UNITED STATES OF AMERICA,) 2:10-CR-578-PMP-(GWF)
11 Plaintiff,) GOVERNMENT'S REQUEST FOR
12 vs.) STATUS CHECK
13 LINDA LIVOLSI,)
14 Defendant.)
15 _____)

16 COMES NOW the United States of America, by and through DANIEL G.
17 BOGDEN, United States Attorney, and J. Gregory Damm, Assistant United States
18 Attorney, and files its GOVERNMENT'S REQUEST FOR STATUS CHECK. On or
19 about February 8, 2012, Patrick E. McDonald, Esq., (Nevada State Bar # 3526) filed
20 a designation of retained counsel for defendant Linda Livolsi. Clerk's Record (CR) #
21 51. Mr. McDonald has continued to represent Ms. Livolsi since that time. On January
22 17, 2013, a status conference was held at which time Mr. McDonald's medical issues
23 and surgery were discussed. (CR # 81)

24 On April 23, 2013, the undersigned attempted to contact Mr. McDonald in an
25 attempt to discuss a proposed plea agreement with Mr. McDonald after consultation
26 with his client Ms. Livolsi. The government attempted to contact Mr. McDonald at the

1 address and phone number listed for Mr. McDonald in the Criminal Docket for this
2 case and also with the State Bar of Nevada. When calling this phone number, the
3 government was told that Mr. McDonald is “no longer with this firm.” The government
4 was given a cellular telephone number for Mr. McDonald and the government left a
5 voice message for Mr. McDonald and requested a return telephone call. To date no
6 response to the government’s telephone message has been received. Attempts to
7 contact Mr. McDonald have been unsuccessful. Mr. McDonald apparently does not
8 currently maintain a discernable physical office location.

9 Defense attorneys have a duty to inform their clients of plea agreements
10 proffered by the prosecution, and that failure to do so constitutes ineffective assistance
11 of counsel. *United States v. Blaylock*, 20 F.3d 1458, 1465-66 (9th Cir. 1994). The
12 government has lost contact with Mr. McDonald, counsel for defendant Linda Livolsi.
13 The government does not know whether or not Ms. Livolsi would accept, reject or has
14 even been apprised of any suggested plea agreement. The government would request
15 that this court hold a status check hearing to confirm that Mr. McDonald still represents
16 defendant Livolsi, that the court determine whether proposed plea agreements will be
17 presented to Ms. Livolsi and that this court confirm a communication mode that will
18 elicit a timely response from defense counsel representing Ms. Livolsi.

19 DATED this 24th day of April, 2013.

20 Respectfully submitted,

21 DANIEL G. BOGDEN
22 United States Attorney

23 /s/ J. Gregory Damm
24 J. GREGORY DAMM
25 Assistant United States Attorney
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Certificate Of Service

I, J. Gregory Damm, hereby certify that I am an employee of the United States Department of Justice, and that on this day I served a copy of the following: GOVERNMENT'S REQUEST FOR STATUS CHECK, upon counsel for all defendants appearing in this matter via the CM/ECF system, by electronically filing said request.

Dated: April 24, 2013

/s/ J. Gregory Damm
Assistant United States Attorney
District of Nevada